

**CHAPTER ii.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Perth Corporation. A.D. 1928.

[19th December 1928.]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirma-  
tion of  
Order in  
schedule.

2. This Act may be cited as the Perth Corporation Order Confirmation Act 1928. Short title.

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SCHEDULE.

## PERTH CORPORATION.

*Provisional Order to provide for the abandonment of tramways and make further provisions as to omnibuses and for other purposes.*

WHEREAS the lord provost magistrates and councillors of the city and royal burgh of Perth (hereinafter called "the Corporation") are vested with the municipal and police administration of the said city and royal burgh (hereinafter called "the burgh") and are the local authority within the burgh under the Public Health (Scotland) Act 1897 and the local authority and road authority within the burgh under the Tramways Act 1870 :

And whereas under and by virtue of the Perth Tramways Orders 1892 to 1921 (hereinafter called "the Tramways Orders") the Corporation are the owners of and work the tramways within and beyond the burgh authorised by the said Orders :

And whereas the Corporation have under the Perth Corporation Order 1908 (hereinafter called "the Order of 1908") power to provide and run omnibuses within the burgh and also in connection with their tramways beyond the burgh to a distance not exceeding three miles from any part of the tramways :

And whereas the Corporation have under and by virtue of the Tramways Orders and with the sanction of the Secretary for Scotland under the powers granted by the Perth Corporation (Waterworks &c.) Order 1921 borrowed for the purposes of the tramway undertaking the sum of ninety-six thousand and forty-eight pounds in all of which the sum of nineteen thousand and forty-eight pounds has been borrowed in respect of the omnibuses provided and run by the Corporation :

And whereas the net capital expenditure on the tramway undertaking of the Corporation has amounted to the sum of ninety-six thousand six hundred and

sixty-one pounds including nineteen thousand three hundred and eighty-one pounds expended on the said omnibuses : A.D. 1928.

And whereas part of the said expenditure has been repaid by way of sinking fund and out of revenue and the debt now due in respect of the tramway undertaking of the Corporation amounts to the sum of forty-four thousand four hundred and thirty-eight pounds of which the sum of seventeen thousand five hundred and forty-eight pounds is in respect of omnibuses :

And whereas the revenue derived from the tramways is not sufficient to meet the claims upon it owing to the heavy expenses of maintaining the track and the plant and during the next few years it would be necessary almost entirely to renew the plant and relay the track :

And whereas it is expedient and would be in the public interest that provision should be made for the abandonment by the Corporation of the tramways or of parts thereof and that the power of the Corporation to run omnibuses beyond the burgh should be amended :

And whereas it is expedient that provision should be made for the payment of the debt due in respect of the tramways after the abandonment thereof and for the making good of the roads :

And whereas it is expedient that the Corporation should be authorised to borrow and raise money for the purposes of this Order and to levy rates and assessments as in this Order provided :

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned in respect of which they are by this Order authorised to borrow money and such estimates are as follows :—

	£
For the purchase of omnibuses - -	20,000
For the erection of garages and the acquisition of land or premises - -	15,000
For making good the roadway - -	15,000

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas it is expedient that the further powers and provisions hereinafter in this Order contained should

A.D. 1928. — be conferred on the Corporation and made as by this Order provided :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary of State confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

Short title  
and citation  
of Acts.

1. This Order may be cited for all purposes as the Perth Corporation Order 1928.

The Perth Tramways Orders 1892 to 1921 and this Order may be cited as the Perth Tramways Orders 1892 to 1928.

Commence-  
ment of  
Order.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter in this Order referred to as “ the commencement of this Order.”

Incorpora-  
tion of Acts.

3. The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and section 120 of the Lands Clauses Consolidation (Scotland) Act 1845) so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order are hereby incorporated with and form part of this Order.

Interpreta-  
tion.

4. In this Order terms words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order shall subject to the provisions of this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Order the following words and expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context inconsistent with or repugnant to such construction (that is to say) :—

“ Burgh ” means the city and royal burgh of Perth ;

“ Corporation ” means the lord provost magistrates and councillors of the burgh ;

“ Sheriff ” means the sheriff of the county of Perth and includes his substitutes ;

- “ Sheriff clerk ” means the sheriff clerk of the county of Perth; A.D. 1928.
- “ The Order of 1903 ” means the Perth Corporation (Tramways) Order 1903;
- “ The Order of 1904 ” means the Perth Corporation Order 1904;
- “ The Order of 1908 ” means the Perth Corporation Order 1908;
- “ The Order of 1921 ” means the Perth Corporation (Waterworks &c.) Order 1921;
- “ The Tramways Orders ” means the Tramways Orders as defined in the Order of 1921 and that Order so far as it relates to tramways and tramway purposes;
- “ The tramway undertaking ” means the tramways and works connected therewith authorised by the Tramways Orders;
- “ The tramways ” means the tramways constructed by and the tramways transferred to the Corporation under the powers of the Tramways Orders;
- “ Specified routes ” means the routes of the existing tramways namely (1) from the Cross of Perth to the village of Scone (2) from the Cross to Cherrybank (3) from the Cross to the junction of the Crieff and Dunkeld Roads and (4) from the Cross to Cragie;
- “ Omnibus routes ” means any routes upon which the Corporation may work and run omnibuses under the section of this Order the marginal note whereof is “ Amendment of section 56 of 1908 Order ”;
- “ The Police Acts ” means the Burgh Police (Scotland) Acts 1892 to 1911;
- “ The commencement of this Order ” means the date of the passing of the Act confirming the same.

5.—(1) The Corporation shall on a date not later than three months from the commencement of this Order to be appointed by the Corporation abandon and

As to  
abandon-  
ment of  
tramways.

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(2) On the taking up and removal of any such rails paving setts posts standards cables works apparatus or equipment on the portions of the tramways within the burgh the Corporation shall with all convenient speed fill in the ground and make good the surface of the portion of the road or footpath disturbed by such taking up and removal.

(3) On the taking up and removal of any such rails paving setts posts standards cables works apparatus or equipment on the portion of the tramway from the burgh boundary to the village of Scone the Corporation shall (subject to any agreement which may be come to between the Corporation and the road authority) with all convenient speed fill in the ground and make good the surface of and to the reasonable satisfaction of the road authority restore the portion of the road or footpath disturbed by such taking up and removal to as good a condition as that in which it was before such rails paving setts posts standards cables works apparatus and equipment were laid or placed therein and shall clear away all surplus paving metalling or other material or rubbish occasioned by such work and they shall in the meantime cause the place where the road or footpath is opened or broken up to be fenced and watched and properly lighted at night.

(4) If the Corporation omit to comply with their obligations under the immediately foregoing subsection (3) within one month after such taking up and removal as aforesaid the road authority may at any time after the expiration of that period themselves fill in the ground and make good the surface of and restore the portion of roadway or footpath disturbed and recover from the Corporation the cost reasonably incurred by them in so doing.

(5) The cost of restoring the roads or footpaths in this section referred to shall subject to the provisions of

this Order be met out of the moneys authorised by this Order to be borrowed for that purpose. A.D. 1928.

(6) Nothing in this section shall interfere with or affect the operation of section 41 of the Tramways Act 1870 with respect to any of the tramways or any right of the Corporation to abandon any of the tramways which they would have been entitled to abandon if this Order had not been enacted.

(7) If any difference shall arise under the provisions of this section between the Corporation and any other local authority or road authority the difference shall on the application of either party be referred to and determined by the Minister of Transport whose decision shall be final.

6. After the abandonment of the tramways the Corporation may appropriate for the purposes of their omnibus undertaking or sell lease or otherwise dispose of the lands acquired by them for and the buildings and depôts belonging to the Corporation and used in connection with the tramways. Sale and disposal of lands &c.

7. All moneys realised by the appropriation sale or disposal of lands buildings depôts materials plant and apparatus in connection with the tramways shall be paid into the tramway debt redemption fund All lands buildings depôts materials plant and apparatus used exclusively for the tramway undertaking but which shall be appropriated for the omnibus undertaking shall be taken over at the value as appearing in the books of the tramway undertaking or at such other value as may be approved by the Secretary of State. Application of proceeds of sale of lands &c.

8. After the abandonment of the tramways the security for all moneys borrowed by the Corporation under the Order of 1903 the Order of 1904 and the Order of 1908 for tramway purposes and then outstanding shall be the burgh general assessment and so far as it may be so charged the free annual revenue of the common good of the burgh (after deduction of the usual annual outgoings of the burgh) subject to existing charges thereon and such moneys shall be repaid within the period prescribed by the section of this Order of which the marginal note is "Provision for payment of tramway debt." Security for moneys borrowed for tramway purposes.

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Omnibus  
undertaking  
to cease to  
form part  
of tramway  
under-  
taking.

9. After the abandonment of the tramways—

- (1) The omnibus undertaking shall cease to form part of the tramway undertaking and section 37 (Expenditure on omnibuses) of the Order of 1921 is hereby repealed;
- (2) Section 35 (Borrowing powers for tramway purposes) of the Order of 1921 shall be read and have effect as if the revenue of the omnibus undertaking and the omnibus undertaking were therein referred to instead of the tramway revenue and the tramway undertaking of the Corporation.

Amendment  
of section 56  
of 1908  
Order.

10. Section 56 (Power to provide and run omnibuses) of the Order of 1908 subsection (1) shall be read and have effect as if for subsection (1) of that section there was substituted the following subsection :—

- (1) The Corporation may provide and run (but shall not manufacture) omnibuses propelled either by animal or mechanical power within the burgh and also beyond the burgh to a distance not exceeding three miles Provided that the Corporation shall not run omnibuses in any district beyond the burgh except with the consent of the road authority of such district.

Fares and  
charges.

11.—(1) Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses fares and charges not exceeding such maximum fares and charges (including separate maximum fares and charges in respect of services for the conveyance of artizans mechanics and daily labourers) as may from time to time be approved by the Minister of Transport.

Any application for a revision of such maximum fares or charges may be made by the Corporation or by the local authority of any district in which such omnibuses are run.

Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.

Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister



may by order direct either by the Corporation or by any of the parties on whose representation the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sums so certified and directed by the Minister to be paid shall be a debt due to the Crown.

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(2) Every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat required by a passenger nor be of a form or description to annoy or inconvenience other passengers.

(3) The Corporation may if they think fit carry on the omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger but they shall not carry any other goods or animals.

(4) The fares and charges for the time being authorised under the provisions of this Order shall be paid to such persons and in such manner as the Corporation may by notice annexed to the list of fares and charges appoint.

12.—(1) The Corporation and any local authority empowered to run omnibuses in any burgh or district adjacent to the burgh or adjacent to any burgh or district in which any route over which the Corporation are for the time being empowered to run omnibuses is situate may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts or Orders under which such omnibus services are authorised.

Working  
and other  
agreements.

(2) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance of any omnibus services within the burgh or on any route over which the Corporation are for the time being empowered to run omnibuses subject to the provisions of the respective Acts or Orders under which such omnibus services are authorised.

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(3) Any agreement made under subsection (1) or (2) of this section may provide for all or any of the following purposes (that is to say) :—

- (a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;
- (b) The supply by any of the contracting parties under and during the continuance of any such agreement of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;
- (c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;
- (d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service.

(4) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service lands depôts buildings sheds or property beyond the burgh otherwise than with the consent of the local authority of the district within which such omnibus service lands depôts buildings sheds or property are situate Provided that on complaint being made to the Minister of Transport that such consent is unreasonably withheld the Minister may if he thinks fit by order dispense with such consent.

Attachment  
of signs  
indicating  
stopping  
places to  
lamp-posts  
&c.

13.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any of their omnibus routes signs or directions indicating the position of stopping places for omnibuses :

Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention

to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to the lamp-post pole standard or similar erection by the attachment and the Corporation shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of the attachment.

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(2) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

(4) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or other similar erection belonging to any railway company except with their consent in writing.

14. The Corporation may run through omnibuses along any of their omnibus routes or any specified portion thereof and such omnibuses shall be distinguished from other omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such omnibuses. Provided that during the running of such through omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of omnibuses.

Through  
omnibuses.

15.—(1) Notwithstanding anything contained in this or any other Order to the contrary the Corporation may on any occasion run and reserve omnibuses on any of their omnibus routes for any special purpose which the Corporation may consider necessary or desirable provided that such special omnibuses shall be distinguished from other omnibuses in such manner as may be directed by the Corporation and that during the running of such special omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of omnibuses.

Power to  
reserve  
omnibuses  
for special  
purposes.

(2) The Corporation may make byelaws and regulations for prohibiting the use of any such omnibuses by

A.D. 1928. — any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in this or any other Order of the Corporation as to fares or charges for passengers shall not extend to any special omnibuses run upon the omnibus routes and in respect thereof the Corporation may demand and take such fares or charges as they shall think fit.

Workmen's  
omnibuses.

16. The Corporation shall run an adequate and convenient service of omnibuses for artizans mechanics and daily labourers (Sundays and holidays excepted) at such times as shall be most convenient to such workmen going to and returning from work.

Shelters and  
waiting-  
rooms.

17. The Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers and may use for that purpose portions of the public streets or roads subject so far as respects any place beyond the burgh to the approval of the local authority and road authority.

Cloak-  
rooms &c.

18. The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles not propelled by mechanical power belonging to passengers using the Corporation omnibuses and of any vehicle of the Corporation at any depôt or building used by them in connection with their omnibus undertaking and at suitable places on any of their omnibus routes and the Corporation may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles as aforesaid but shall not use for the purpose any part of the highway outwith the burgh without the consent of the road authority.

Power to  
require  
intending  
passengers  
to wait in  
lines or  
queues.

19. For the better regulation of persons desiring to travel in the omnibuses of the Corporation the Corporation may make byelaws requiring persons waiting to enter carriages at any stopping place or terminus within the burgh upon any of their omnibus routes to wait in lines or queues and to enter such carriages in the order in which they stood in such line or queue and the Corporation may erect and maintain barriers and posts at any such stopping place or terminus and for that purpose may use part of the highway.

20. Notwithstanding anything contained in any public and general or local or personal Act or Order any property found in any omnibus for the time being belonging to the Corporation may forthwith be delivered by the finder thereof to the conductor of such omnibus and shall be taken by such conductor to a place to be appointed for the purpose by the Corporation and if such property be not claimed by the owner thereof within six months after the finding thereof it may be sold by the Corporation and the proceeds thereof applied in such manner as they shall appoint.

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Lost  
property.

21. All byelaws made by the Corporation under the provisions of this Order shall be made in accordance with the provisions of sections 46 and 47 of the Tramways Act 1870.

Byelaws.

22. The Corporation shall every year within three months after the closing of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their omnibus undertaking.

Accounts to  
be furnished  
to Minister  
of Trans-  
port.

23.—(1) If and so long as the Corporation provide an adequate and satisfactory service or services of omnibuses along any of the specified routes it shall not be lawful for any local authority or for any company body or person except in pursuance of statutory powers existing at the commencement of this Order or except as hereinafter in this section provided to run omnibuses along such route or along any other route in competition with such service or services of the Corporation.

Restricting  
running of  
omnibuses  
in compe-  
tition.

(2) Any failure on the part of the Corporation to afford an adequate service along any such route which is due to strikes or unforeseen accidents or circumstances beyond the control of the Corporation shall not entitle any such company authority body or person to run omnibuses along such route or along any other route in competition therewith.

(3) The licensing authority of the burgh or district in which any such route or part thereof is situate may and shall in order to give effect to the foregoing provisions of this section when licensing an omnibus to ply for hire grant such licence subject to conditions as to the routes upon which such omnibus shall or shall not ply

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for hire Provided that if any question arises between the Corporation and any company authority body or person as to whether any route in respect of which a licence may be granted to any such company authority body or person is competitive such question shall on the application of either of the parties be determined as hereinafter in this section provided Provided further that the right of the applicant for the licence of appeal to the Minister of Transport from the decision of the licensing authority under section 14 (3) of the Roads Act 1920 shall not be affected but the Minister of Transport in making any order under that section shall have regard to the provisions of this section.

(4) Any question at any time arising as to whether or not the Corporation are providing an adequate and satisfactory service along any route or whether there is or would be any such competition shall be determined by the Minister of Transport and the Minister of Transport shall have power to make such order thereon as he thinks fit Any order made by the Minister of Transport under this section shall be final and binding on the parties affected thereby and shall be enforceable at the instance of the Minister or Corporation or of the licensing authority or of the applicant for a licence as the case may be by summary application to the court of session.

(5) Nothing in this section shall be deemed to restrict the running of any omnibus along any of the specified routes or any route in competition therewith if and so long as no passenger conveyed by such omnibus is both taken up and set down on any one journey on any such route or prevent the grant of a licence to ply for hire with an omnibus on the condition that no passenger conveyed by the omnibus to which the licence relates shall be both taken up and set down on any one journey on any of the specified routes or any route in competition therewith.

Borrowing  
powers.

24. The Corporation (in addition to any moneys which they may have borrowed or are authorised to borrow independently of this Order) may from time to time borrow at interest on the credit and security of the omnibus revenue and of the burgh general assessment leviable by them under the Police Acts or any order made thereunder or partly of the omnibus

revenue and partly of the said burgh general assessment as they may resolve for the respective purposes following the sums not exceeding the amounts hereinafter mentioned (*viz.*) :—

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- (a) For the acquisition of omnibuses from the Perth General Omnibus Company the sum of ten thousand pounds;
- (b) For the acquisition of other omnibuses the sum of ten thousand pounds;
- (c) For the erection of garages and acquisition of land or premises for the same the sum of fifteen thousand pounds;
- (d) For making good the roadway the sum of fifteen thousand pounds;
- (e) For the costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto such sum as may be necessary.

And with the sanction of and subject to the conditions as to the period of repayment and otherwise prescribed by the Secretary of State after consultation with the Minister of Transport such further sums as may be requisite and if after having borrowed the said sums or any part thereof the Corporation pay off the same otherwise than by means of instalments or the sinking fund as in this Order provided they may again borrow the amount so paid off and so from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made Provided further that if the burgh general assessment is by reason of its limitation insufficient along with the omnibus revenue to enable the Corporation to raise the moneys authorised to be borrowed under this section on advantageous terms the Secretary of State may extend the limit of such assessment to such amount as he shall think fit Provided further that as regards any money borrowed under this section the Corporation may and shall borrow the same on the credit and security of the free annual revenue of the common good of the burgh (after deduction of the usual

A.D. 1928. — annual outgoings of the burgh) as well as of the omnibus revenue and of the burgh general assessment but the said free annual revenue of the common good (after such deduction) shall be liable in relief of the burgh general assessment.

Application  
of sections  
of Order of  
1903.

25. The following sections of the Order of 1903 shall be and are hereby made applicable to the money authorised to be borrowed under the last preceding section of this Order in the same manner as if such money had been borrowed under the authority of the Order of 1903 and the expression "tramway purposes" wherever used therein shall include the purposes of this Order and the expression "tramway revenue" shall be construed as "omnibus revenue" (that is to say):—

Section 28 (Bonds for borrowed money);

Section 29 (Rates to include interest and sinking fund);

Section 30 (Present bonds and securities by Corporation not to be prejudiced);

Section 32 (Application of money borrowed);

Section 35 (Sinking fund may be adjusted in certain events);

Section 37 (Bonds to be lien on tramway revenue and assessment and common good);

Section 38 (For appointment of judicial factor);

Section 39 (Powers of judicial factor).

Priority of  
existing  
securities  
for money  
borrowed for  
tramway  
purposes.

26. All bonds and securities granted by the Corporation for money borrowed by them for tramway purposes and omnibus purposes under the authority of the Orders of 1903 1904 1908 and 1921 and subsisting at the commencement of this Order shall during the continuance of such bonds and securities have priority over any bonds or securities to be granted by the Corporation for money borrowed or raised by them for and in relation to the omnibus undertaking after the commencement of this Order.

Periods of  
repayments  
of moneys  
borrowed.

27. The Corporation shall pay off all moneys borrowed by them under the powers of this Order (other than moneys to be borrowed with the sanction of the Secretary of State) within the respective periods following which periods shall severally be deemed to be "the



prescribed period" referred to in the section of this Order the marginal note whereof is "Sinking fund" (that is to say):—

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- (1) As to moneys borrowed for the purpose (a) referred to in the section of this Order of which the marginal note is "Borrowing powers" within five years from the date or dates of the borrowing of the same;
- (2) As to moneys borrowed for the purpose (b) referred to in the said section within eight years from the date or dates of the borrowing of the same;
- (3) As to moneys borrowed for the purpose (c) referred to in the said section within thirty years from the date or dates of the borrowing of the same;
- (4) As to moneys borrowed for the purpose (d) referred to in the said section within twenty years from the date or dates of the borrowing of the same; and
- (5) As to moneys borrowed for the purpose (e) referred to in the said section within five years from the commencement of this Order.

28.—(1) The Corporation shall apply all moneys received by them on account of revenue in respect of the omnibus undertaking in the manner and in the order following (that is to say):—

Application  
of revenue  
of omnibus  
under-  
taking.

First In payment of the working and establishment expenses and cost of maintenance of the omnibus undertaking;

Secondly In payment of the interest on moneys borrowed by the Corporation for the purposes of the omnibus undertaking;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the omnibus undertaking;

Fourthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in any securities in which they are authorised

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—

to invest sums paid into any sinking fund and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being of the Corporation upon the omnibus undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the omnibus undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the omnibus undertaking or for payment of the cost of renewing any part of the omnibuses and buildings and works connected therewith and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens. Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum;

Fifthly Any balance remaining after providing for the foregoing payments shall be applied by way of contribution to the tramway debt redemption fund:

And after the redemption of the tramway debt the Corporation shall carry to the credit of the sinking fund for the redemption of the moneys borrowed for the making good of the roads after the abandonment of the tramways so much of any balance remaining in any year of the income of the omnibus undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the omnibus undertaking and paying the current expenses connected therewith respectively.

(2) Any deficiency in the revenue of the omnibus undertaking shall be made good out of the burgh general assessment.

29.—(1) The Corporation shall notwithstanding any provisions in any of the Tramways Orders or otherwise as to the repayment of the moneys borrowed for the purposes of their tramway undertaking other than for omnibuses form a special fund to be called “the tramway debt redemption fund.”

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Provision  
for payment  
of tramway  
debt.

(2) The Corporation shall in addition to any sums provided under the immediately preceding section provide annually out of the burgh general assessment such a sum as shall with any sums received under the immediately preceding section amount to such a sum as shall repay the whole of the existing tramway debt at a period not later than Whit-Sunday one thousand nine hundred and forty-one.

(3) The said tramway debt redemption fund shall be operated in all respects as a sinking fund under the provisions of the section of this Order of which the marginal note is “Sinking fund” until the repayment of the tramway debt. The first payment to the said fund shall be made at Whit-Sunday one thousand nine hundred and twenty-nine.

30.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed or maintained either—

Sinking  
fund.

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding four per centum per annum or such other rate as the Secretary of State may from time to time allow will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the

A.D. 1928. investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Corporation in addition to the payments provided for by this Order.

A.D. 1928.

(7) If it appears to the Corporation or the Secretary of State at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Corporation be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of the Secretary of State reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Corporation be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of the Secretary of State discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation may determine.

(12) The period at which the payments into the sinking fund shall commence shall in respect of moneys borrowed under this Order be within one year from the date of borrowing.

A.D. 1928.

Application  
of sections  
of Order of  
1904 to  
borrowings  
under this  
Order.

31. The following sections of the Order of 1904 shall mutatis mutandis be and are hereby made applicable to all moneys borrowed or raised by the Corporation under the powers of this Order in the same manner as if such moneys had been borrowed or raised under the powers of the Order of 1904 (that is to say) :—

- Section 46 (Mode of repayment);
- Section 48 (Power to Corporation to borrow on cash account);
- Section 49 (Protection of lenders from inquiry);
- Section 50 (Order not to restrict borrowing powers of Corporation);
- Section 51 (Annual return to Secretary for Scotland with respect to sinking fund).

Powers of  
Secretary  
of State in  
relation to  
borrowing.

32. In relation to any sanction to be given by the Secretary of State to the borrowing of money by the Corporation under this Order the Secretary of State shall have and may exercise all the powers of section 93 of the Local Government (Scotland) Act 1889.

Inquiries  
&c. by  
Minister of  
Transport.

33. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Order the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

For protec-  
tion of  
London  
Midland  
and Scottish  
and London  
and North  
Eastern  
Railway  
Companies.

34. For the protection of the London Midland and Scottish Railway Company and the London and North Eastern Railway Company (each of which companies is in this section called "the company") the following provisions shall unless otherwise agreed between the Corporation and the company have effect (that is to say) :—

- (1) On the taking up and removal by the Corporation under the section of this Order whereof the marginal note is "As to abandonment of tramways" of any rails paving setts posts standards cables works apparatus or equipment situate on any bridge or bridge approaches maintainable by the company the Corporation shall restore

the surface of the bridge and approaches to the reasonable satisfaction of the company : A.D. 1928.

- (2) Any dispute which shall arise between the Corporation and the company under the foregoing provision of this section shall be referred to and determined by an engineer to be appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of either party :
- (3) The Corporation shall not exercise the powers of the sections of this Order whereof the marginal notes respectively are "Shelters and waiting-rooms" "Cloakrooms &c." and "Power to require intending passengers to wait in lines or queues" on any bridge or road belonging to or maintained by the company or so as to obstruct the convenient access to or exit from any station depôt or other property of the company :
- (4) Nothing in this Order shall impose any obligation upon or enlarge any existing obligation of the company to maintain strengthen adapt alter or reconstruct any road maintainable by them or any bridge with the immediate approaches and all other necessary works connected therewith maintainable by them.

35. The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of the revenue of the common good fund of the burgh or out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control for the purposes of their tramways and omnibus undertakings or out of any moneys borrowed for that purpose under this Order. Costs of Order.

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